

Enforcement issues frustrate planners

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Members of the Planning Board and the town planner are frustrated about what they perceive as building permits that never should have been issued.

The issues mainly stem from second buildings on properties — either temporary dwellings or accessory buildings — that are massive in size and apparently aren't being used in the ways allowed

by town bylaw.

At their meeting Monday night, Chairwoman Amy MacNab said she had sat down with town counsel Robert Troy and other town officials and came up with a few properties that may be worth further examination. Under town rules, the Planning Board only has 30 days after the issuing of a building permit to appeal it — however, they can ask for

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Planning board speaks out

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enforcement at any time.

"As this board knows, this has been a long effort," said MacNab. "This is just the tip of the iceberg."

MacNab pointed to one property where certain aspects of the construction were in the demolition permit rather than the building permit.

"It was almost as if everything was piggybacked to the original permit ... which really bypassed the process," she said.

Town Planner Tom Broadrick said that when he first served as the town planner several years ago, all the building permits passed through his office. However, when he started his second stint in Duxbury many applications were marked "N/A" when it came to Planning Department oversight. He said he's now reviewing all building applications, but there still seems

to be some confusion between departments.

MacNab also pointed to a building on River Way — that project is being appealed not by the town but by a neighbor who requested zoning enforcement.

"I think it is frustrating to everyone who was at those meetings that this thing got built," she said. "This is confirmed to be in direct conflict with our current zoning by-law."

Another structure sits in the wetlands protection district — which should have triggered a special permit from the zoning board.

"It needed a special permit," MacNab said. "That is what gives us all the ability to have a say."

Perhaps one of the most egregious examples given at the meeting, however, is a two-story accessory building on School Street. It is 56 feet long and 32 feet wide — yet

the stated purpose on the plans say "storage." Broadrick said he is trying to get answers.

"The accessory structure is supposed to be subordinate to the main structure," he said. "An accessory structure that looks like this seems to be out of sync of what the intent of the bylaw is."

MacNab said she was very frustrated with the difficulties enforcing the rules. She pointed out that enforcement was the major issue at last year's land use summit, which involved all the town's land use boards.

"I have simply watched us go downhill ... we're losing it," she said.

MacNab thanked Broadrick for taking the lead on the enforcement issue.

"He's been the first one to say there is no more important issue facing this town than this enforcement issue," she said.

The board had some discussion about sitting down with town counsel and/or consultants to look at the accessory use bylaw. However John Bear said he didn't want any gray area in the rules to be used as a crutch.

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